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March 16, 2011

VIA FIRST CLASS MAIL

Magistrate Judge Mann
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

*The Court approves
the modified Consent to
Join form.*

SO ORDERED:

/s/

Roanne L. Mann

U.S. Magistrate Judge

Dated:

3/17/11

Re: Gerardo Valdez Lujan et al. V. Cabana Management, Inc. et al.
Docket No. 1:10-cv-00755 (ILG) (RLM)

Dear Judge Mann:

This firm is legal counsel to Plaintiffs in the above-referenced wage and hour action. I write on consent of Defendants' counsel to request your approval of the enclosed Consent to Join form, which has been slightly modified from its original version. See Exhibit A.

Specifically, the original notice did not provide the opt-in plaintiff to select this firm as its designated representative in the action or, in the alternative, to advise of his or her intention to appear pro se, or with other counsel.

Insertion of the highlighted language will avoid confusion by the Plaintiffs, as well as in the clerk's office. As we recently discovered in another FLSA action, absent such designation, the Clerk of the Court will deem the opt-in plaintiff as appearing *pro se*. We therefore respectfully request that the Court authorize this change which has been consented to by Defendants' counsel. We expect to publish the notice within two to three days after we receive your reply to this request.

Additionally, we write to request a 60 day extension of the deadlines set forth in the Court's Scheduling Order, dated January 20, 2011. The parties have agreed to mediation with Martin Scheinman, Esq., an experienced mediator, and anticipate the mediation will occur in the next 30-45 days. The parties would like to explore resolution of the case before incurring the additional cost of further discovery and motion practice. This is the first request for an extension. In accordance with your individual rules, a proposed revised Scheduling Order is attached. See Exhibit B.

Thank you.